

Message Text

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SUBJ: SUPREME COURT REDUCES SENTENCES OF

"CARABANCHEL TEN"

REF: MADRID 1086

1. SPANISH MEDIA HAVE GENERALLY PLAYED UP FEB 15 DECISION OF SUPREME COURT TO REDUCE SENTENCES OF 10 CLANDESTINE LABOR ORGANIZERS SENTENCED DEC 27, 1973 TO TERMS FROM 12-20 YEARS (REFTEL). UNDER TERMS OF COURT'S DECISION, SENTENCES REDUCED TO MINIMUM OF 2 YEARS AND 4 MONTHS AND MAXIMUM OF SIX YEARS. SINCE FOUR OF CONVICTED LABOR ORGANIZERS HAVE ALREADY BEEN IN PRISON 2 YEARS AND 7 MONTHS, THEY WERE RELEASED IMMEDIATELY. MARCELINO CAMACHO, REPUTEDLY NATIONAL LEADER OF WORKERS COMMISSIONS AND LEADING FIGURE OF SPANISH COMMUNIST PARTY (PCE), HAS 6 YEAR SENTENCE.

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2. COURT BASED ITS DECISION ON INABILITY OF SENTENCING

COURT OF PUBLIC ORDER (TOP) TO IDENTIFY LEADERS AMONG WORKERS COMMISSIONS SO THAT CONVICTED WERE CONSIDERED AS MERE PARTICIPANTS IN CRIME OF "ILLEGAL ASSOCIATION".

3. COURT REAFFIRMED LEGAL DOCTRINE THAT WORKERS COMMISSIONS QUALIFY AS "ILLICIT ASSOCIATIONS" BECAUSE THEY ACT FOR AND DEPEND ON PCE WHICH WAS PROHIBITED BY LAW IN FEB 1939 WHICH WAS REITERATED IN NOVEMBER 1971.

4. IT WAS LEARNED FEB 15 THAT 40 WELL-KNOWN PERSONALITIES, INCLUDING A BISHOP, 10 DEANS OF PROFESSIONAL ASSOCIATIONS, PROFESSORS, EDITORS, AND ENTREPRENEURS HAD ADDRESSED LETTER TO SUPREME COURT URGING, AS PROVIDED IN PENAL CODE, THAT THE COURT INFORM GOVT THAT "ILLICIT ASSOCIATIONS" LAWS ARE UNJUSTIFIED. EDITORIAL WRITERS IN INDEPENDENT NEWSPAPERS HAVE FOCUSED ATTENTION ON APPARENT INCONSISTENCY IN GOVT POLICIES WITH RESPECT TO POLITICAL ASSOCIATIONISM: WHEREAS NEW STATUTE ADOPTED IN DEC 1974 WAS DESIGNED TO PROMOTE BROADER POLITICAL PARTICIPATION THROUGH SUCH ASSOCIATIONS, THIS OBJECTIVE WOULD SEEM TO BE COMPROMISED BY GOVT'S HARD LINE WITH RESPECT TO ILLICIT ASSOCIATIONS. AT SAME TIME MEDIA COMMENTATORS HAVE GENERALLY PRAISED SUPREME COURT FOR MODERATING WHAT THEY REGARDED AS EXCESSIVE CHARACTER OF PUBLIC ORDER COURT'S ORIGINAL SENTENCES AGAINST "CARABANCHEL TEN", THEREBY REMOVING SOME OF POLITICAL OPPROBRIUM THAT HAS ACCOMPANIED AFFAIR AND HELPING TO EASE CHARGED POLITICAL ATMOSPHERE. PRESS HAS FOCUSED ON POSITIVE EDITORIAL REACTION TO RULING ELSEWHERE IN EUROPE. COURT DECISION IS ALSO SEEN AS IMPLICIT CRITICISM BY INCREASINGLY INDEPENDENT JUDICIARY IN SPAIN OF POLITICALLY- INFLUENCED DECISIONS AND SENTENCES HANDED DOWN BY PUBLIC ORDER COURTS. MANY LAWYERS AND JUDGES BELIEVE THAT THIS SPECIAL TRIBUNAL SHOULD BE ABOLISHED TO MAKE WAY FOR UNIFIED JUDICIAL SYSTEM WITHOUT ANY SPECIAL JURISDICTIONS FOR CRIMES RELATING TO "PUBLIC ORDER", SUCH AS ILLICIT ASSOCIATIONISM, ILLEGAL MEETINGS AND DEMONSTRATIONS.

5. COMMENT: REAFFIRMATION OF PROHIBITION OF ACTIVITIES BY PCE AND ITS SUBORDINATE ORGANIZATIONS SUCH AS WORKERS COMMISSIONS IN SUPREME COURT DECISION IS A SIGNAL TO LIMITED OFFICIAL USE

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SPANISH PUBLIC THAT, ALTHOUGH GOVT COMMITTED TO PROGRAM OF BROADER POLITICAL PARTICIPATION, THIS WOULD ONLY BE FEASIBLE WITHIN CHANNELS PROVIDED BY STATUTE ADOPTED IN DECEMBER 1974. IN RECENT MONTHS GOVT HAS CRACKED DOWN ON OTHER "ASSOCIATIONS" WHICH HAVE HELD POLITICAL MEETINGS WHICH, ALTHOUGH NON-COMMUNIST IN CONTENT, WERE NONETHELESS HIGHLY CRITICAL OF FRANCO REGIME AND OUTSIDE NORMAL CHANNELS PROVIDED UNDER NEW STATUTE. REAFFIRMATION OF ANTI-COMMUNIST

DOCTRINE IN COURT'S DECISION IS ALSO ONE WAY OF INDICATING
TO LABOR MOVEMENT THAT GOVT WAS OPPOSED TO POLITIZATION OF
WORKERS EITHER THROUGH POLITICAL ASSOCIATIONS UNDER NEW
STATUTE OR FOR ANY OTHER FORM (SEE A-30, FEB 14, 1975).
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